

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Street number, and address): TROPE AND TROPE SORRELL TROPE (State Bar 21103) 12121 WILSHIRE BOULEVARD SUITE 801 LOS ANGELES, CA 90025 TELEPHONE NO.: (310) 207-8228 FAX NO. (Optional): (310) 826-1122</p> <p>E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): BRITNEY SPEARS</p>	<p>FOR COURT USE ONLY</p> <p style="font-size: 24pt;">F: 10/26/07</p>			
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 NORTH HILL STREET MAILING ADDRESS: SAME CITY AND ZIP CODE: LOS ANGELES, CA 90012 BRANCH NAME: CENTRAL</p>				
<p>PETITIONER/PLAINTIFF: BRITNEY SPEARS</p> <p>RESPONDENT/DEFENDANT: KEVIN FEDERLINE</p>				
<p>EX PARTE</p> <table style="width: 100%;"> <tr> <td style="width: 33%;"> <input type="checkbox"/> ORDER TO SHOW CAUSE <input type="checkbox"/> Child Custody <input type="checkbox"/> Child Support <input type="checkbox"/> Attorney Fees and Costs </td> <td style="width: 33%;"> <input type="checkbox"/> MODIFICATION <input type="checkbox"/> Visitation <input type="checkbox"/> Spousal Support </td> <td style="width: 33%;"> <input type="checkbox"/> Injunctive Order <input checked="" type="checkbox"/> Other (specify): TERMINATE OR MODIFY COURT ORDERS RE DRUG TESTING OF PETITIONER </td> </tr> </table>		<input type="checkbox"/> ORDER TO SHOW CAUSE <input type="checkbox"/> Child Custody <input type="checkbox"/> Child Support <input type="checkbox"/> Attorney Fees and Costs	<input type="checkbox"/> MODIFICATION <input type="checkbox"/> Visitation <input type="checkbox"/> Spousal Support	<input type="checkbox"/> Injunctive Order <input checked="" type="checkbox"/> Other (specify): TERMINATE OR MODIFY COURT ORDERS RE DRUG TESTING OF PETITIONER
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<p>CASE NUMBER: BD 455 662</p>				

1. TO (name): RESPONDENT, KEVIN FEDERLINE, AND TO HIS ATTORNEYS OF RECORD
2. YOU ARE ORDERED TO APPEAR IN THIS COURT AS FOLLOWS TO GIVE ANY LEGAL REASON WHY THE RELIEF SOUGHT IN THE ATTACHED APPLICATION SHOULD NOT BE GRANTED. If child custody or visitation is an issue in this proceeding, Family Code section 3170 requires mediation before or concurrently with the hearing listed below.

a. Date: _____ Time: 8:30 am/1:30 pm ☒ Dept.: 88 ☒ Room: 831

b. The address of the court is ☒ same as noted above ☐ other (specify): _____

c. ☐ The parties are ordered to attend custody mediation services as follows: _____

3. THE COURT FURTHER ORDERS that a completed *Application for Order and Supporting Declaration* (form FL-310), a blank *Responsive Declaration* (form FL-320), and the following documents be served with this order:
 - a. (1) ☐ Completed *Income and Expense Declaration* (form FL-150) and a blank *Income and Expense Declaration*
 - (2) ☐ Completed *Financial Statement (Simplified)* (form FL-155) and a blank *Financial Statement (Simplified)*
 - (3) ☐ Completed *Property Declaration* (form FL-160) and a blank *Property Declaration*
 - (4) ☒ Points and authorities
 - (5) ☒ Other (specify): Declarations of Dennis Giroux, Anne Kiley, Margaret Duenas, Lupe Martinez, James Long, MD, and Tara L. Scott.
 - b. ☐ Time for ☐ service ☐ hearing is shortened. Service must be on or before (date): _____
Any responsive declaration must be served on or before (date): _____
 - c. ☐ You are ordered to comply with the temporary orders attached.
 - d. ☐ Other (specify): _____

Date: _____ JUDICIAL OFFICER _____

NOTICE: If you have children from this relationship, the court is required to order payment of child support based on the incomes of both parents. The amount of child support can be large. It normally continues until the child is 18. You should supply the court with information about your finances. Otherwise, the child support order will be based on the information supplied by the other parent.

You do not have to pay any fee to file declarations in response to this order to show cause (including a completed *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155) that will show your finances). In the absence of an order shortening time, the original of the responsive declaration must be filed with the court and a copy served on the other party at least nine court days before the hearing date. Add five calendar days if you serve by mail within California. (See Code of Civil Procedure 1005 for other situations.) To determine court and calendar days, go to www.courtinfo.ca.gov/selfhelp/courtcalendars/.



Request for Accommodations
 Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8.)

PETITIONER: BRITNEY SPEARS

CASE NUMBER:

BD 455 662

RESPONDENT: KEVIN FEDERLINE

APPLICATION FOR ORDER AND SUPPORTING DECLARATION

—THIS IS NOT AN ORDER—

☒ Petitioner ☐ Respondent ☐ Claimant requests the following orders:

1. ☐ CHILD CUSTODY ☐ To be ordered pending the hearing

a. Child (name, age)

b. Legal custody to

(person who makes decisions
about health, education, etc.) (name)

c. Physical custody to

(person with whom child lives.)
(name)

☐ Modify existing order

(1) filed on (date):

(2) ordering (specify):

☐ As requested in form ☐ FL-311 ☐ FL-312 ☐ FL-341(C) ☐ FL-341(D) ☐ FL-341(E)

2. ☐ CHILD VISITATION ☐ To be ordered pending the hearing

a. As requested in: (1) ☐ Attachment 2a (2) ☐ Form FL-311 (3) ☐ Other (specify):

b. ☐ Modify existing order

(1) filed on (date):

(2) ordering (specify):

c. ☐ One or more domestic violence restraining/protective orders are now in effect. (Attach a copy of the orders if you have one.) The orders are from the following court or courts (specify county and state):

(1) ☐ Criminal: County/state: _____ (3) ☐ Juvenile: County/state: _____

Case No. (if known): _____ Case No. (if known): _____

(2) ☐ Family: County/state: _____ (4) ☐ Other: County/state: _____

Case No. (if known): _____ Case No. (if known): _____

3. ☐ CHILD SUPPORT (An earnings assignment order may be issued.)

a. Child (name, age)

b. Monthly amount (if not by guideline)

\$

c. ☐ Modify existing order

(1) filed on (date):

(2) ordering (specify):

4. ☐ SPOUSAL OR PARTNER SUPPORT (An earnings assignment order may be issued.)

a. ☐ Amount requested (monthly): \$

b. ☐ Terminate existing order

(1) filed on (date):

(2) ordering (specify):

c. ☐ Modify existing order

(1) filed on (date):

(2) ordering (specify):

5. ☐ ATTORNEY FEES AND COSTS a. ☐ Fees: \$

b. ☐ Costs: \$

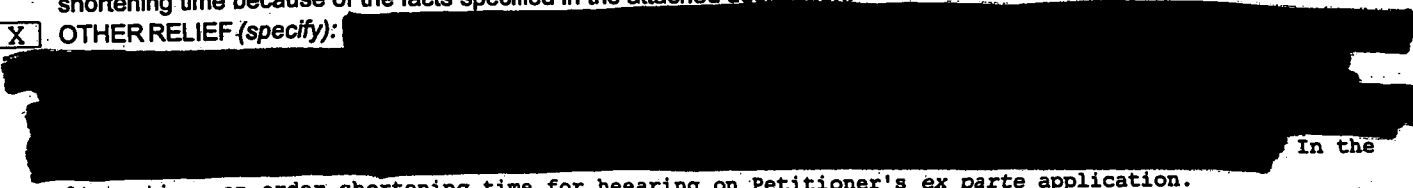
NOTE: To obtain domestic violence restraining orders, you must use the forms *Request for Order (Domestic Violence Prevention)* (form DV-100) and *Temporary Restraining Order and Notice of Hearing (Domestic Violence Prevention)* (form DV-110).

PETITIONER: BRITNEY SPEARS

CASE NUMBER:

BD 455 662

RESPONDENT: KEVIN FEDERLINE

6. ☐ PROPERTY RESTRAINT ☐ To be ordered pending the hearing
- a. The ☐ petitioner ☐ respondent ☐ claimant is restrained from transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life.
- ☐ The applicant will be notified at least five business days before any proposed extraordinary expenditures, and an accounting of such will be made to the court.
- b. ☐ Both parties are restrained and enjoined from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability, held for the benefit of the parties or their minor children.
- c. ☐ Neither party may incur any debts or liabilities for which the other may be held responsible, other than in the ordinary course of business or for the necessities of life.
7. ☐ PROPERTY CONTROL ☐ To be ordered pending the hearing
- a. ☐ The petitioner ☐ respondent is given the exclusive temporary use, possession, and control of the following property that we own or are buying (*specify*):
- b. ☐ The petitioner ☐ respondent is ordered to make the following payments on liens and encumbrances coming due while the order is in effect:
- | <u>Debt</u> | <u>Amount of payment</u> | <u>Pay to</u> |
|-------------|--------------------------|---------------|
| | | |
8. ☐ I request that time for service of the *Order to Show Cause* and accompanying papers be shortened so that these documents may be served no less than (*specify number*): _____ days before the time set for the hearing. I need to have the order shortening time because of the facts specified in the attached declaration.
9. ☒ OTHER RELIEF (*specify*):  In the alternative, an order shortening time for hearing on Petitioner's *ex parte* application.
10. ☒ FACTS IN SUPPORT of relief requested and change of circumstances for any modification are (*specify*): ☒ contained in the attached declaration.
- Declarations of Dennis Giroux, Anne Kiley, Margaret Duenas, Lupe Martinez, James Long, MD, and Tara L. Scott.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: October 25, 2007

TROPE AND TROPE/Tara L. Scott
(TYPE OR PRINT NAME)
(SIGNATURE OF APPLICANT)

PETITIONER/PLAINTIFF: BRITNEY SPEARS

CASE NUMBER:

BD 455 662

RESPONDENT/DEFENDANT: KEVIN FEDERLINE

TEMPORARY ORDERS

Attachment to Order to Show Cause (FL-300)

1. ☐ PROPERTY RESTRAINT

- a. ☐ Petitioner ☐ Respondent is restrained from transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life.
- ☐ The other party is to be notified of any proposed extraordinary expenditures and an accounting of such is to be made to the court.
- b. ☐ Both parties are restrained and enjoined from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage including life, health, automobile, and disability held for the benefit of the parties or their minor child or children.
- c. ☐ Neither party may incur any debts or liabilities for which the other may be held responsible, other than in the ordinary course of business or for the necessities of life.

2. ☐ PROPERTY CONTROL

- a. ☐ Petitioner ☐ Respondent is given the exclusive temporary use, possession, and control of the following property the parties own or are buying (*specify*):
- b. ☐ Petitioner ☐ Respondent is ordered to make the following payments on liens and encumbrances coming due while the order is in effect:
- | <u>Debt</u> | <u>Amount of payment</u> | <u>Pay to</u> |
|-------------|--------------------------|---------------|
|-------------|--------------------------|---------------|

3. ☐ MINOR CHILDREN

- a. ☐ Petitioner ☐ Respondent will have the temporary physical custody, care, and control of the minor children of the parties, ☐ subject to the other party's rights of visitation as follows:
- b. ☐ Petitioner ☐ Respondent must not remove the minor child or children of the parties
- (1) ☐ from the State of California.
 - (2) ☐ from the following counties (*specify*):
 - (3) ☐ other (*specify*):
- c. ☐ Child abduction prevention orders are attached (see form FL-341(B)).
- d. (1) Jurisdiction: This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code, commencing with §3400).
- (2) Notice and opportunity to be heard: The responding party was given notice and an opportunity to be heard as provided by the laws of the State of California.
- (3) Country of habitual residence: The country of habitual residence of the child or children is ☐ the United States of America ☐ other (*specify*):
- (4) Penalties for violating this order: If you violate this order you may be subject to civil or criminal penalties, or both.

4. ☒ OTHER ORDERS (*specify*): See Attachment 4

Date:

JUDGE OF THE SUPERIOR COURT

5. The date of the court hearing is (*insert date when known*):

CLERK'S CERTIFICATE

[SEAL]

I certify that the foregoing is a true and correct copy of the original on file in my office.

Date:

Clerk, by _____, Deputy

ATTACHMENT 4 TO FL-305

The Court orders as follows:

1. [REDACTED]

In the alternative, the Court orders as follows:

1. [REDACTED]

a. [REDACTED]

b. [REDACTED]

c. [REDACTED]

In the alternative, the Court orders:

1. That hearing be set on Petitioner's ex parte application on shortened time. Hearing is set for _____, 2007. Respondent's Responsive papers are due on _____, 2007. Petitioner's Reply papers are due on _____, 2007.

Sealed and Removed

Memorandum of Points
and Authorities

Sealed and Removed

Declaration of
Dennis Giroux

Sealed and Removed

Declaration of
Anne Kiley

Sealed and Removed

Declaration of
Margaret Duenas

Sealed and Removed

Declaration of
Lupe Martinez

Sealed and Removed

Declaration of
James Long, MD

Sealed and Removed

Declaration of
Tara L. Scott

Sealed and Removed

Exhibits 1-4

2025-01-01

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Mark Vincent Kaplan (SBN 58836)

James M. Simon (SBN 109913)

KAPLAN & SIMON, L.L.P.

2049 Century Park East, Suite 2660

Los Angeles, CA 90067

TELEPHONE NO.: (310) 277-9009

FAX NO. (Optional): (310) 552-1970

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): Kevin Federline

FOR COURT USE ONLY

FILED
LOS ANGELES SUPERIOR COURT

OCT 26 2007

JOHN A. CLARKE, CLERK

BY M. ARNOLD, DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

STREET ADDRESS: 111 N. Hill Street

MAILING ADDRESS: 111 N. Hill Street

CITY AND ZIP CODE: Los Angeles, CA 90012

BRANCH NAME: Central District

PETITIONER/PLAINTIFF: BRITNEY SPEARS

RESPONDENT/DEFENDANT: KEVIN FEDERLINE

EX PARTE**ORDER TO SHOW CAUSE**☐ Child Custody☐ Child Support☐ Attorney Fees and Costs☐ MODIFICATION☐ Visitation☐ Spousal Support☐ Injunctive Order☒ Other (specify):

ORDER THAT DR. SHATZ MAY REVIEW RESPONDENT'S

REPLY PLEADINGS, TO WHICH REVIEW PETITIONER HAS OBJECTED

CASE NUMBER:

BD 455 662

1. TO (name): PETITIONER BRITNEY SPEARS AND HER ATTORNEYS OF RECORD
2. YOU ARE ORDERED TO APPEAR IN THIS COURT AS FOLLOWS TO GIVE ANY LEGAL REASON WHY THE RELIEF SOUGHT IN THE ATTACHED APPLICATION SHOULD NOT BE GRANTED. If child custody or visitation is an issue in this proceeding, Family Code section 3170 requires mediation before or concurrently with the hearing listed below.

a. Date: October 26, 2007 Time: 8:30 a.m. ☒ Dept.: 88 ☐ Room:b. The address of the court is ☒ same as noted above ☐ other (specify):c. ☐ The parties are ordered to attend custody mediation services as follows:

3. THE COURT FURTHER ORDERS that a completed *Application for Order and Supporting Declaration* (form FL-310), a blank *Responsive Declaration* (form FL-320), and the following documents be served with this order:

- a. (1) ☐ Completed *Income and Expense Declaration* (form FL-150) and a blank *Income and Expense Declaration*
- (2) ☐ Completed *Financial Statement (Simplified)* (form FL-155) and a blank *Financial Statement (Simplified)*
- (3) ☐ Completed *Property Declaration* (form FL-160) and a blank *Property Declaration*
- (4) ☐ Points and authorities
- (5) ☐ Other (specify):

b. ☐ Time for ☐ service ☐ hearing is shortened. Service must be on or before (date):

Any responsive declaration must be served on or before (date):

c. ☐ You are ordered to comply with the temporary orders attached.d. ☐ Other (specify):

Date:

JUDICIAL OFFICER

NOTICE: If you have children from this relationship, the court is required to order payment of child support based on the incomes of both parents. The amount of child support can be large. It normally continues until the child is 18. You should supply the court with information about your finances. Otherwise, the child support order will be based on the information supplied by the other parent.

You do not have to pay any fee to file declarations in response to this order to show cause (including a completed *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155) that will show your finances). In the absence of an order shortening time, the original of the responsive declaration must be filed with the court and a copy served on the other party at least nine court days before the hearing date. Add five calendar days if you serve by mail within California. (See Code of Civil Procedure 1005 for other situations.) To determine court and calendar days, go to www.courtinfo.ca.gov/selfhelp/courtcalendars/.

**Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for Request for Accommodations by Persons With Disabilities and Response (Form MC-410). (Civil Code, § 54.8.)

Page 1 of 1

ORIGINAL

PETITIONER: BRITNEY SPEARS

CASE NUMBER:

BD 455 662

RESPONDENT: KEVIN FEDERLINE

APPLICATION FOR ORDER AND SUPPORTING DECLARATION

☐ Petitioner ☒ Respondent ☐ Claimant —THIS IS NOT AN ORDER— requests the following orders:

1. ☐ CHILD CUSTODY ☐ To be ordered pending the hearinga. Child (name, age)b. Legal custody to

(person who makes decisions about health, education, etc.) (name)

c. Physical custody to

(person with whom child lives.) (name)

☐ Modify existing order

(1) filed on (date):

(2) ordering (specify):

☐ As requested in form ☐ FL-311 ☐ FL-312 ☐ FL-341(C) ☐ FL-341(D) ☐ FL-341(E)2. ☐ CHILD VISITATION ☐ To be ordered pending the hearinga. As requested in: (1) ☐ Attachment 2a (2) ☐ Form FL-311 (3) ☐ Other (specify):b. ☐ Modify existing order

(1) filed on (date):

(2) ordering (specify):

c. ☐ One or more domestic violence restraining/protective orders are now in effect. (Attach a copy of the orders if you have one.) The orders are from the following court or courts (specify county and state):(1) ☐ Criminal: County/state: _____ (3) ☐ Juvenile: County/state: _____

Case No. (if known): _____

Case No. (if known): _____

(2) ☐ Family: County/state: _____ (4) ☐ Other: County/state: _____

Case No. (if known): _____

Case No. (if known): _____

3. ☐ CHILD SUPPORT (An earnings assignment order may be issued.)a. Child (name, age)b. Monthly amount (if not by guideline)

\$

c. ☐ Modify existing order

(1) filed on (date):

(2) ordering (specify):

4. ☐ SPOUSAL OR PARTNER SUPPORT (An earnings assignment order may be issued.)a. ☐ Amount requested (monthly): \$c. ☐ Modify existing orderb. ☐ Terminate existing order

(1) filed on (date):

(1) filed on (date):

(2) ordering (specify):

(2) ordering (specify):

5. ☐ ATTORNEY FEES AND COSTS a. ☐ Fees: \$b. ☐ Costs: \$

NOTE: To obtain domestic violence restraining orders, you must use the forms Request for Order (Domestic Violence Prevention) (form DV-100) and Temporary Restraining Order and Notice of Hearing (Domestic Violence Prevention) (form DV-110).

PETITIONER: BRITNEY SPEARS

CASE NUMBER:

BD 455 662

RESPONDENT: KEVIN FEDERLINE

6. ☐ PROPERTY RESTRAINT ☐ To be ordered pending the hearing
- a. The ☐ petitioner ☐ respondent ☐ claimant is restrained from transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life.
- ☐ The applicant will be notified at least five business days before any proposed extraordinary expenditures, and an accounting of such will be made to the court.
- b. ☐ Both parties are restrained and enjoined from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability, held for the benefit of the parties or their minor children.
- c. ☐ Neither party may incur any debts or liabilities for which the other may be held responsible, other than in the ordinary course of business or for the necessities of life.
7. ☐ PROPERTY CONTROL ☐ To be ordered pending the hearing
- a. ☐ The petitioner ☐ respondent is given the exclusive temporary use, possession, and control of the following property that we own or are buying (*specify*):
- b. ☐ The petitioner ☐ respondent is ordered to make the following payments on liens and encumbrances coming due while the order is in effect:
- | <u>Debt</u> | <u>Amount of payment</u> | <u>Pay to</u> |
|-------------|--------------------------|---------------|
| | | |
8. ☐ I request that time for service of the *Order to Show Cause* and accompanying papers be shortened so that these documents may be served no less than (*specify number*): _____ days before the time set for the hearing. I need to have the order shortening time because of the facts specified in the attached declaration.
9. ☒ OTHER RELIEF (*specify*): ORDER THAT DR. SHATZ MAY REVIEW ALL OF RESPONDENT'S REPLY PLEADINGS, TO WHICH REVIEW PETITIONER HAS OBJECTED.
10. ☒ FACTS IN SUPPORT of relief requested and change of circumstances for any modification are (*specify*):
☒ contained in the attached declaration.

Declaration of James M. Simon

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: October 25, 2007

JAMES M. SIMON

(TYPE OR PRINT NAME)

(SIGNATURE OF APPLICANT)

Declaration of James M. Simon

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DECLARATION OF JAMES M. SIMON

I, JAMES M. SIMON, hereby declare as follows:

1. The commencement of Dr. Shatz' evaluation was delayed by Petitioner's refusal to sign the order after hearing on September 17, 2207 and the Stipulation and Order Re Child Custody Evaluation, each until October 2, 2007. On October 15, 2007, counsel for the parties participated in a conference call with Dr. Shatz and she requested that she be provided with copies of the pleadings, court transcripts and deposition transcripts relevant to the issue of child custody. I volunteered to take the laboring oar. I redacted Respondent's moving papers to his OSC to modify custody and redacted Petitioner's responsive papers to this OSC to conform the Court's rulings on evidentiary objections to these pleadings. I caused to be copied and tabbed all of the relevant pleadings and transcripts and created indexes to same for the convenience of Dr. Shatz and Petitioner's counsel. On October 19, 2007, I sent this package to Dr. Shatz with a cover letter copied to Petitioner's counsel, a copy of which is attached hereto as **Exhibit A**.

2. On October 24, 2007, I received a letter from Dr. Shatz' assistant, a copy of which is attached hereto as **Exhibit B**, stating that Dr. Shatz had received a letter from Anne Kiley on October 23rd instructing her to not review the following documents submitted by me:

A. Respondent's Reply Brief and Declarations of James Simon and Mark Kaplan in Support of Respondent's OSC to Modify Custody

B. Reply Declaration of Kevin Federline in Support of Respondent's OSC

C. Declaration of Oscar Anthony Barretto, Jr. re Respondent's OSC

3. Upon receipt of this letter, I immediately telephoned Ms. Kiley, and she apologized that her letter to Dr. Shatz had not been copied to me. Ms. Kiley faxed me her letter, a copy of which is attached hereto as **Exhibit C**. Ms. Kiley explained that she had been informed by Dennis Wasser and Mel Goldsman that in a chamber's

KAPLAN & SIMON, L.L.P.
ATTORNEYS AT LAW
2049 CENTURY PARK EAST, SUITE 2860
LOS ANGELES, CALIFORNIA 90067
TELEPHONE: (310) 277-9009
FACSIMILE: (310) 552-1970

1 conference prior to the hearing on September 17, 2007, the Court ruled that it would not
2 admit Mr. Barretto's declaration because it was filed one day late. Ms. Kiley also
3 questioned whether the Court had admitted items A and B above because the Court
4 registry indicated that they also were filed on September 11, 2007. Mark Kaplan then
5 joined in our conversation and explained to Ms. Kiley that there had been an agreement
6 between counsel to file Mr. Barretto's declaration prepared by Nathan Goldberg's office
7 on September 11. In addition, per the proof of service, Respondent's reply brief had
8 been delivered by messenger to the Wasser firm on September 10, 2007. Though
9 Petitioner filed untimely evidentiary objections, Petitioner did not object to any of the
10 aforementioned reply pleadings on the ground that they were filed late.

11 4. I asked Ms. Kiley if she had reviewed the transcript of the hearing on
12 September 17, 2007, from which it is clear that the Court received and considered each
13 of the aforementioned reply pleadings. Ms. Kiley responded that she had not finished
14 reading the transcript. I suggested that it would be better practice to review the
15 transcript before sending a letter to Dr. Shatz directing her to not review relevant
16 pleadings and to further delay the commencement of her evaluation. Ms. Kiley
17 indicated that she would get to it when she had time, but she was in the middle of a
18 rush for another client.

19 5. On October 25, 2007 at 9:30 a.m., I telephoned Ms. Kiley but she was not
20 in the office. I then spoke to Tara Scott and gave her notice that we would bring this *ex*
21 *parte* application on October 26, 2007 at 8:30 a.m. in Department 88 to request that the
22 Court order that Dr. Shatz may review the aforementioned documents received and
23 considered by the Court.

24 6. The reporter's sealed transcript of the hearing on September 17, 2007 will
25 be lodged with the Court for this *ex parte* proceeding. We respectfully request that the
26 Court review the transcript at page 5:12-21, confirming that the Court did not consider
27 Petitioner's untimely evidentiary objections to the aforementioned reply pleadings, but
28 pursuant to *Belchik*, the Court considered only admissible and appropriate evidence.

Further, the Court specifically confirmed that it had read and considered the declaration of Mr. Barretto. *Id.* at 11:28-12:3. Moreover, the Court gave Petitioner's counsel the opportunity to cross-examine Mr. Barretto, who Respondent's counsel had arranged be present for the hearing. *Id.* at 12:11-13:11. Petitioner's counsel declined to do so. The aforementioned rulings are further reflected in the Order After Hearing On Respondent's OSC Re: Modification of Child Custody and Visitation and For Attorney Fees and Costs, filed October 3, 2007, a copy of which is attached hereto as **Exhibit D**. That Order provides at page 2 lines 6-9, as follows:

All papers submitted by the parties and argument of counsel have been received and considered, subject to the Court's rulings on evidentiary objections and the Court's consideration of only relevant and admissible evidence. Each party declined the opportunity to cross-examine any witnesses who have filed declarations.

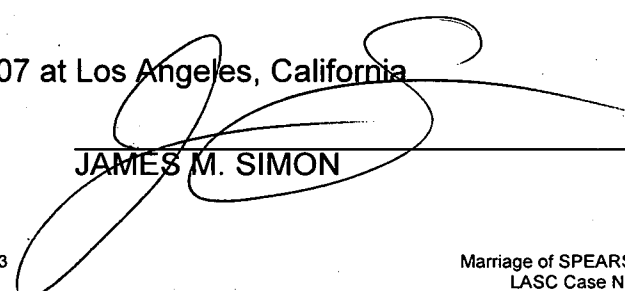
The only rulings the Court made on evidentiary objections were with regard to Petitioner's objections to the moving papers, entered on September 7, 2007, and with regard to Respondent's objections to Petitioner's responsive papers, entered on September 14, 2007.

7. Based on the foregoing, Respondent requests that the Court order that Dr. Shatz may receive and consider each of the aforementioned reply pleadings. Respondent makes this request on an *ex parte* basis to avoid further unnecessary delay of Dr. Shatz' custody evaluation.

The above facts are within my personal knowledge and I could and would competently testify thereto if called upon to do so.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 25, 2007 at Los Angeles, California


JAMES M. SIMON

EXHIBIT

A

KAPLAN & SIMON, L.L.P.

ATTORNEYS AT LAW
2049 CENTURY PARK EAST, SUITE 2660
LOS ANGELES, CALIFORNIA 90067

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MARK VINCENT KAPLAN†
JAMES M. SIMON
JEANNETTE L. FLYNN†
MARY STEARNS
RITA AZIZI
NICOLE VAFADES

October 19, 2007

VIA HAND DELIVERY

Jane Ellen Shatz, Ph.D.
9400 Brighton Way, Suite 407
Beverly Hills, CA 90210

Re: Marriage of Spears/Federline

Dear Dr. Shatz:

In follow up to our telephone conference earlier this week, enclosed are copies of the pleadings, court transcripts and deposition transcripts relevant to the issue of child custody in this proceeding. We have tabbed the pleadings and provided indexes for your convenience. You will note that certain statements and exhibits in Respondent's OSC filed August 8, 2007 and Petitioner's responsive declarations filed September 4, 2007 have been redacted. These redactions are based on the Court sustaining evidentiary objections to those statements and exhibits.

[REDACTED]

Sincerely,

KAPLAN & SIMON, L.L.P.

By

JAMES M. SIMON

JMS/ec
Enclosures
Shatz.docs.wpd

c: Tara Scott: Indexes and redacted declarations enclosed. Ms. Scott should have copies of all other enclosures referenced in the indexes.

INDEX I

In Re Marriage of
Britney Spears and Kevin Federline

LASC Case No. BD 455 662

NO.	PLEADING	D/F
1.	Deal Memorandum (March 2007)	D: 3/29/07
2.	Second Further Judgment	F: 7/30/07
3.	Respondent's Order to Show Cause Re Modification of Child Custody (Kaplan declaration and Points and Authorities re fees intentionally omitted)	F: 8/8/07
4.	Petitioner's Responsive Declarations to Order to Show Cause and Memorandum of Points and Authorities	D: 9/4/07
5.	Respondent's Reply Brief and Declarations of JMS and MVK in Support of Respondent's OSC to Modify Custody	F: 9/11/07
6.	Reply Declaration of Kevin Federline in Support of Respondent's OSC	F: 9/11/07
7.	Declaration of Oscar Anthony Barretto, Jr. re Respondent's OSC	F: 9/11/07

INDEX II

In Re Marriage of
Britney Spears and Kevin Federline

LASC Case No. BD 455 662

NO.	PLEADING	D/F
8.	Order After Hearing On Respondent's OSC Re: Modification of Child Custody and Visitation and For Attorney Fees and Costs Date: September 17, 2007	F: 10/3/07
9.	Minute Order re Court's Selection of Evaluator	F: 9/18/07
10.	Order re Appointment of 730 Evaluator	F: 9/24/07
11.	Stipulation and Order re Appointment of Child Custody Counselors	F: 9/21/07
12.	Declaration re Petitioner's Selection of Individual Counselor	F: 9/27/07
13.	Order re Drug & Alcohol Testing of Petitioner	F: 9/28/07
14.	Respondent's Ex Parte Application for Entry of Order re Proof of Valid CA Driver's License & Insurance; Declaration of Mark Vincent Kaplan in Support Thereof	F: 9/28/07
15.	Order After Hearing on Respondent's Ex Parte Application re Proof of Valid CA Driver's License & Insurance	F: 9/28/07
16.	Minute Order re Respondent to Retain Custody	F: 10/1/07
17.	Respondent's Ex Parte OSC re Modification of Child Custody and Visitation	F: 10/2/07
18.	Declarations of Tara L. Scott and Kendra Cripe	D: 10/3/07
19.	Minute Order re Monitored Visitation to Petitioner Without Overnights	F: 10/3/07
20.	Stipulation and Order re Child Custody Evaluation	F: 10/3/07
21.	Petitioner's Ex Parte OSC re Reinstate Overnight Visitation	F: 10/11/07
22.	Respondent's Memorandum of Points and Authorities and Declarations of Mark Vincent Kaplan and James M. Simon in Opposition to Petitioner's Ex Parte Application to Modify Custody	F: 10/11/07
23.	Minute Order re One Monitored Overnight Per Week	F: 10/11/07
24.	Respondent's Ex Parte Application to Modify Custody/Visitation	F: 10/17/07
25.	Petitioner's Memorandum of Points and Authorities and Declarations in Opposition to Respondent's Ex Parte	F: 10/17/07
26.	Minute Order re Suspension of Petitioner's Visitation	F: 10/17/07

REPORTER'S SEALED TRANSCRIPT OF PROCEEDINGS:

1. September 4, 2007
2. September 17, 2007
3. October 1, 2007
4. October 3, 2007

DEPOSITION TRANSCRIPTS:

1. Larry Rudolph, taken on September 6, 2007
2. Shannon Funk, taken on September 7, 2007
3. Alluwee Sims, taken on September 11, 2007
4. Damon Kim Shippen, taken on September 12, 2007

EXHIBIT

B

06/08/2018
01:02/00/00



Licensed Psychologist

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90210

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October 24, 2007

VIA U.S. MAIL AND FACSIMILE

Tara L. Scott, Esq.
Anne Kiley, Esq.
Trobe & Trobe
12121 Wilshire Boulevard
Suite 801
Los Angeles, CA 90025
Facsimile: (310) 826-1122

James M. Simon, Esq.
Kaplan & Simon
2049 Century Park East
Suite 2660
Los Angeles, CA 90067
Facsimile: (310) 552-1970

Re: Marriage of Spears/Federline Case No.: BD 455 662

Dear Counselors,

We are in receipt of Ms. Kiley's letter dated October 23, 2007, which referenced the following documents, submitted to Dr. Shatz by Mr. Simon:

1. Respondent's reply brief and declarations of James Simon and Mark Kaplan in support of Respondent's OSC to modify custody.
2. Rely declaration of Kevin Federline in support of Respondent's order to show cause.
3. Declaration of Oscar Anthony Barretto, Jr.

Dr. Shatz has not and will not review the above-mentioned documents until the disagreement on her doing so has been resolved. If you have any questions, please do not hesitate to call (310) 288 - 0264.

Sincerely,

Brandon Foon
Office Administrator

EXHIBIT

C

06/08/2016

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October 24, 2007

TO: NAME: James M. Simon
FIRM: Kaplan & Simon
FAX: (310) 552-1970

FROM: NAME: Anne Kiley
FIRM: *Trope and Trope*
FAX: 310-826-1122

- TOTAL NUMBER OF PAGES INCLUDING COVER LETTER: 3
- DOCUMENT(S) TRANSMITTED: Letter dated October 24, 2007
- MESSAGE: Re: In Re Marriage of SPEARS/FEDERLINE
- IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL IMMEDIATELY
AND CONTACT Irma
AT PHONE NO. 310-207-8228 or 323-879-2726

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October 23, 2007

Jane Ellen Shatz, Ph.D
9400 Brighton Way, Suite 407
Beverly Hills, CA 90210

RE: Marriage of Spears/Federline

Dear Dr. Shatz:

We are in receipt of the letter to you from opposing counsel, Jim Simon, dated October 19, 2007 and the indexes and redacted declarations he forwarded to us with our copy of that letter. Based thereon, it appears to us that Mr. Simon forwarded to you documents as follows:

1. Respondent's reply brief and declarations of James Simon and Mark Kaplan in support of Respondent's OSC to modify custody;
2. Reply declaration of Kevin Federline in support of Respondent's order to show cause; and
3. Declaration of Oscar Anthony Barretto, Jr.

We were not present at the hearing on September 17, 2007. We do not have conformed copies of these documents and are unable to verify at this time if they were filed by the Court. However, it is our understanding from predecessor counsel that these documents were not timely filed, and according to predecessor counsel the declaration of Anthony Barretto was not admitted into evidence. According to predecessor counsel the Court clearly so stated in a chambers conference. We object to

Jane Ellen Shatz, Ph.D
October 23, 2007
Page 2

your reviewing the above referenced documents, none of which it appears were redacted, until such time as we are able to resolve this issue with opposing counsel and if necessary with the court. Thank you.

Very truly yours,

TROPE AND TROPE

Dictated Not Read

ANNE KILEY

AK:iv

cc: Sorrell Trope, Esq.
Tara L. Scott, Esq.

EXHIBIT

D